

## CHAPTER 1 ORGANIZATION AND OPERATION

**193—1.1(546) Purpose of chapter 1.** This chapter describes the organization and operation of the professional licensing and regulation division (hereinafter referred to as the “division”), including the office where, and the means by which, any interested person may obtain public information and make submittals or requests.

**193—1.2(546) Scope of rules.** The rules for the division are promulgated under Iowa Code chapter 17A and section 546.10, and shall apply to all matters before the division. No rule shall, in any way, relieve a person affected by or subject to these rules, or any person affected by or subject to the rules promulgated by the various boards of the division from any duty under the laws of this state.

**193—1.3(546) Definitions.**

“*Administrator*” means the administrator of professional licensing and regulation, the chief administrative officer of the professional licensing and regulation division of the department of commerce.

“*Board*” means an examining board or commission within the professional licensing and regulation division.

“*Department*” means the department of commerce.

“*Division*” means the professional licensing and regulation division of the department of commerce.

“*License*” means any license, registration, certificate, or permit that may be granted by an examining board or commission within the professional licensing and regulation division.

“*Licensee*” means any person granted a license by an examining board or commission within the professional licensing and regulation division.

“*Person*” means an individual, corporation, partnership, association, professional corporation, licensee, certificate holder, or registrant.

“*Staff*” means employees assigned to the professional licensing and regulation division.

**193—1.4(546) Purpose of division.** The division exists to coordinate the administrative support for the following six professional licensing boards:

**1.4(1)** The engineering and land surveying examining board is a seven-member board appointed by the governor and confirmed by the senate. It is composed of four professional engineers, one land surveyor, and two public members. The board administers Iowa Code chapter 542B, Professional Engineers and Land Surveyors, and board rules published under agency number [193C]—Chapters 1 to 7, Iowa Administrative Code.

**1.4(2)** The accountancy examining board is an eight-member board, appointed by the governor and confirmed by the senate. The board is composed of five certified public accountants, two public members, and one licensed accounting practitioner. The board administers Iowa Code chapter 542C, Public Accountants, and board rules published under agency number [193A]—Chapters 1 to 18, Iowa Administrative Code.

**1.4(3)** The real estate commission is a five-member commission appointed by the governor and confirmed by the senate. It is composed of three members licensed under Iowa Code chapter 543B and two public members. The commission administers Iowa Code chapters 543B, Real Estate Brokers and Salespersons; 543C, Sales of Subdivided Land Outside of Iowa; 557A, Time-Share Act; and commission rules published under agency number [193E]—Chapters 1 to 7, Iowa Administrative Code.

**1.4(4)** The architectural examining board is a seven-member board appointed by the governor and confirmed by the senate. It is composed of five registered architects and two public members. The board administers Iowa Code chapter 544A, Registered Architects, and board rules published under agency number [193B]—Chapters 1 to 9, Iowa Administrative Code.

**1.4(5)** The landscape architectural examining board is a seven-member board appointed by the governor and confirmed by the senate. It is composed of five registered landscape architects and two public members. The board administers Iowa Code chapter 544B, Landscape Architects, and board rules published under agency number [193D]—Chapters 1 to 7, Iowa Administrative Code.

**1.4(6)** The real estate appraiser examining board is a seven-member board appointed by the governor and confirmed by the senate. It is composed of five certified real estate appraisers and two public members. The board administers Iowa Code chapter 543D, Real Estate Appraisals and Appraisers, and board rules published under agency number [193F]—Chapters 1 to 11, Iowa Administrative Code.

**193—1.5(546) Offices and communications.** Correspondence and communications with the division or the boards in the division shall be addressed or directed to their offices at 1918 S.E. Hulsizer Avenue, Ankeny, Iowa 50021. Each of the boards may be contacted through the division telephone number (515)281-5602.

**193—1.6(546) Responsibilities of the boards.** Each of the boards in the division retains the powers granted them pursuant to the chapters in which they are created, except for budgetary and personnel matters. Each board shall adopt rules pursuant to Iowa Code chapter 17A. Decisions by each board are final agency actions for purposes of chapter 17A.

**193—1.7(546) Responsibilities of the administrator.**

**1.7(1)** To make rules pursuant to Iowa Code chapter 17A to implement division duties except to the extent that rule-making authority is vested in the boards in the division.

**1.7(2)** To carry out policy making and enforcement duties assigned to the division under the law.

**1.7(3)** To hire, allocate, develop, and supervise members of the staff employed to perform the duties assigned to the division and the boards in the division.

**1.7(4)** To coordinate the development of an annual budget for the division and the boards in the division.

**1.7(5)** To supervise and direct personnel and other resources to accomplish duties assigned to the division by law.

**1.7(6)** To authorize expenditures from any appropriation or trust fund established on behalf of the division.

**1.7(7)** Except to the extent that decision-making authority is vested in the boards in the division or other body, decisions of the administrator are final agency actions pursuant to chapter 17A.

**1.7(8)** Except to the extent otherwise vested in the boards in the division, the administrator has the authority to establish fees assessed to the regulated industry.

**193—1.8(546) Custodian of records, filings, and requests for public information.** Unless otherwise specified by the rules of the boards in the division, the division is the principal custodian of its own divisional orders, statements of law or policy issued by the division, legal documents, and other public documents on file with the division.

Any interested party may examine all public records promulgated or maintained by the division at its offices during regular business hours. The offices of the division and the boards in the division are open from 8 a.m. until 4:30 p.m. Monday through Friday. The offices are closed Saturdays, Sundays, and official state holidays.

**193—1.9(272C,542,542B,543B,543D,544A,544B) Newsletter.**

**1.9(1)** The administrator may publish or contract with a vendor to publish a newsletter as a nonpublic forum to disseminate official information related to the regulated professions. This official information may include statutory requirements, statutory changes, rules, rule changes, proposed or pending rule changes, licensing requirements, license renewal procedures, board action, board interpretative rulings or guidelines, office procedures, disciplinary action, ethical or professional standards, education requirements, education opportunities (prelicense education, continuing education, and professional development), board business, board meetings, and board news.

**1.9(2)** When boards are required or allowed to mail notices to licensees about matters such as license renewal, the boards may include such notices in the newsletter.

**1.9(3)** The newsletter may include vendor advertising to:

*a.* Enable the boards to communicate with licensees and other interested persons without expending moneys appropriated from the state's general fund; and

*b.* Provide a targeted opportunity for licensees to receive profession-specific information to facilitate entry into the profession and enhance professional performance.

**1.9(4)** All newsletter advertising must be consistent with the boards' missions. The primary mission of the boards in the division is to provide progressive, efficient and professional regulation and enforcement of the professions; to protect the public through examination, licensing and regulation of the professions; and to enhance economic growth through the responsible, competent, and ethical performance of the professions.

**1.9(5)** All newsletter advertising must be professional and respectful of the nature of the regulated professions, established as a nonpublic forum, and consistent with guidelines established by the administrator. Advertising shall be restricted to commercial offerings of goods and services directly related to the lawful practice of the professions or the regulation of the professions. Political, advocacy or issue-oriented advertising shall not be permitted.

**1.9(6)** Newsletter advertising shall be considered consistent with the boards' missions if it pertains to commercial offerings of goods or services in one or more of the following areas:

*a.* Entry into the profession, such as prelicense education or internship opportunities.

*b.* A licensee's compliance with statutes or rules, such as continuing education courses or publications containing professional standards.

*c.* The lawful and competent performance of the profession, e.g., errors and omissions insurance, or goods or services uniquely used in the profession, such as land surveying equipment or seals for design professionals.

*d.* Employment opportunities in the profession.

*e.* A professional's marketing of professional services to other professionals, e.g., a design professional's advertising the availability of specialized design services for other design professionals.

*f.* Education programs designed to enhance credentials of professionals, or profession-specific degrees.

**1.9(7)** Newsletter advertising shall be clearly separated from the substantive sections of each newsletter. Vendors authorized to solicit newsletter advertising must do so consistent with the administrator's advertising guidelines in a manner which is viewpoint-neutral and nondiscriminatory in all respects. Goods or services advertised in a newsletter must be lawful for all possible readers of any age to view, use or buy. The front page of each newsletter containing advertising must include a prominent disclaimer notifying the reader that the boards play no role in the solicitation of advertising, and do not explicitly or implicitly endorse any advertiser or any good or service advertised in the newsletter.

These rules are intended to implement Iowa Code section 546.10.

[Filed 4/30/87, Notice 3/11/87—published 5/20/87, effective 6/24/87]

[Filed without Notice 5/8/92—published 5/27/92, effective 7/1/92]

[Filed 2/4/99, Notice 12/30/98—published 2/24/99, effective 3/31/99]

[Filed 8/22/01, Notice 6/27/01—published 9/19/01, effective 10/24/01]

[Filed 9/11/03, Notice 5/28/03—published 10/1/03, effective 11/5/03]